

REMARKS

Claims 1-19 remain in the application. The actions taken are in the interest of expediting prosecution and with no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled in view of the prior art. Further, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references. No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Reconsideration of this application is respectfully requested.

35 U.S.C. § 102(e)

Claims 1-7 and 12-14 are rejected under 35 U.S.C. § 102(e) as being anticipated by Razavi et al. (WO 00/77620, hereinafter Razavi et al.). This rejection is respectfully traversed. Applicants' independent claims 1 and 13 call for, among other things, a vehicle having an *active network*, a device disposed in the vehicle and coupled to the active network, wherein the *device includes a device network element forming a portion of the active network*.

Razavi et al. teaches an automobile having network devices coupled to an in-car network (page 3, lines 23-24). Razavi et al. goes on to teach an in-car network that is built around an on-board compute platform (22) where all components of the in-car network are either directly plugged into the compute platform (22) or coupled to it via an Ethernet connection (Figure 2, and page 5, line 38 to page 6, line 2). In addition, Razavi et al. reinforces that all computing for the in-car network goes through a central computing resource by stating that "compute platform 22 is at the center of in-car sub-network 20." (page 7, line 36).

Razavi et al. does not disclose or teach a vehicle having an active network, a device disposed in the vehicle and coupled to the active network, wherein the device includes a device network element forming a portion of the active network. First of all, Razavi et al. does not disclose or teach an active network. Contrary to Examiner's assertions, an active network is fundamentally different from the network disclosed by Razavi et al. and not merely a packet data network as disclosed on pages 12-13 of Razavi et al. As is known in the art, an active network is

a network that does not use a central computing resource (i.e. a network utility or arbiter as described on page 6, lines 4-6 of the Applicant's specification). Active elements within an active network enable multiple simultaneous communication paths between devices within the network/vehicle.(page 7, lines 6-7 of Applicant's specification). An active network is a network in which the nodes are programmed to perform custom operations on the messages that pass through the node. An active network does not require or use a central server or computing resource, as each node in the active network passes "smart packets" that use a self-describing language that allows information carried within a packet to be operated on by a node in the active network. This is contrasted with the in-car network (20) taught by Razavi et al. that uses a central compute platform (22) to control the in-car network and where there is certainly not multiple simultaneous communication paths between devices.

Secondly, the nodes disclosed in Figure 3 of Razavi et al. and cited by the Examiner (Items 20, 24 and 26-29) are not active network elements (that can perform the functions described above) and do not contain device network elements forming a portion of an active network as claimed by Applicants. In fact, these elements (items 20, 24 and 26-29) taught by Razavi et al. are coupled to central compute platform (22) and are "dumb" elements that depend entirely on the central compute platform (22) to communicate with other elements in the in-car network (20) (as shown above). Therefore, there are no multiple simultaneous communication paths between devices within the network taught by Razavi et al. and therefore, no active network or devices with device network elements that form a portion of an active network.

"A claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently described in a single prior art reference." Verdegall Bros. V. Union Oil Co. Of California, 814 F.2d 628, 631 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236 (Fed. Cir. 1989). MPEP § 2131. Contrary to Examiner's statement that all elements are disclosed in Razavi et al., applicants claimed elements including *a vehicle having an active network, a device disposed in the vehicle and coupled to the active network, wherein the device includes a device network element forming a portion of the active network*, are not disclosed or taught in Razavi et al. Razavi et al. therefore does not teach or suggest *a vehicle having an active network, a device disposed in the vehicle and coupled to the active network, wherein the device includes a device network element forming a portion of the active network*.

Since Razavi et al. does not contain at least these features of the applicants' independent claims 1 and 13, it does not include all of the elements of applicants' independent claims 1 and 13 and therefore cannot anticipate applicants' independent claims.

Claims 2-12 depend either directly or indirectly from claim 1 and are believed to be allowable over the relied on reference of Razavi et al. for at least the same reasons as claim 1.

Claims 13-19 depend either directly or indirectly from claim 13 and are believed to be allowable over the relied on reference of Razavi et al. for at least the same reasons as claim 13.

35 U.S.C. § 103

Claims 8-11 and 15-19 are rejected under 35 U.S.C. § 103 as being unpatentable over Razavi et al. in view of Virtual Router Redundancy Protocol (hereinafter White Paper).

Applicants' respectfully traverse the rejection and request reconsideration. It is incumbent upon the Examiner to prove a *prima facie* case of obviousness (MPEP 2142). To establish a *prima facie* case three basic criteria must be met. First, the prior art reference must teach or suggest all the claim limitations. Second, there must be a reasonable expectation of success. Finally, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference.

The combination does not provide applicants' claimed invention. Razavi et al. does not teach or suggest *a vehicle having an active network, a device disposed in the vehicle and coupled to the active network, wherein the device includes a device network element forming a portion of the active network*. Razavi et al. does not teach or suggest all of the elements in applicants' independent claims 1 and 13, let alone dependent claims 8-11 and 15-19. Since Razavi et al., does not contain at least these features of the applicants' independent claims, it does not include all of the elements of applicants' dependent claims 8-11 and 15-19 and therefore cannot anticipate applicants' dependent claims 8-11 and 15-19.

Prior Art Not Relied Upon

The references cited but not relied upon are not believed to anticipate or make obvious applicants' invention.

Summary

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Accordingly, this application is believed to be in proper form for allowance and an early notice of allowance is respectfully requested.

Please charge any fees associated herewith, including extension of time fees, to 502117.

Respectfully submitted,

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